

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

No claims are currently being canceled or added.

Claims 1, 2, 10, 11 and 19-24 are currently being amended.

This amendment amends claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claims remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-24 are now pending in this application.

In the Office Action, claims 1-3, 6, 10 and 19-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,256,402 to Terao in view of U.S. Patent No. 6,385,730 to Garrison; claims 4, 5, 13 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terao in view of Garrison and further in view of U.S. Patent No. 6,445,777 to Clark; claims 7-9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Terao in view of Garrison and further in view of U.S. Patent No. 6,487,659; claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Terao in view of Garrison and further in view of U.S. Patent No. 5,887,140 to Itsumi; and claims 11-18 and 22-24 were rejected for the same reasons given above with respect to claims 1-10 and 19-21. These rejections are traversed for at least the reasons given below.

In 35 U.S.C. § 103(c), which was added in November 29, 1999, "Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

Please note that this application is assigned to NEC Corporation, and that the Terao reference (which qualifies as prior art only under 35 U.S.C. Section 102(e)) is also assigned to NEC Corporation. The Terao reference is cited (in combination with one or more other references) against each of the presently pending claims.

Thus, for at least this reason, all of the presently pending claims are patentable over the cited art of record.

Furthermore, with respect to the rejection of claim 21 and claim 24 based in part on the teachings of Itsumi, the Office Action asserts that column 1, line 63 to column 2, line 7 of Itsumi teaches an identification system where the characteristic measuring unit is remotely disposed from the local computers and remotely from the remote computer. However, this assertion is incorrect. Itsumi teaches that each data processing means includes measuring means for measuring physical characteristics of the user, whereby the measuring means is presumably located at a same location as each data processing means. While the measured characteristics data is transmitted to an identification means via a communications means, that identification means corresponds closest to the claimed remote computer. Thus, at best, Itsumi teaches a local computer with a local characteristics measuring unit, and with a remote identification unit, whereby these features are clearly different from those recited in claim 21 and in claim 24, in which each of those elements are remotely located with respect to each other.

Accordingly, claim 21 and claim 24 are patentable for this additional reason.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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Date

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